

## Nuts & Bolts

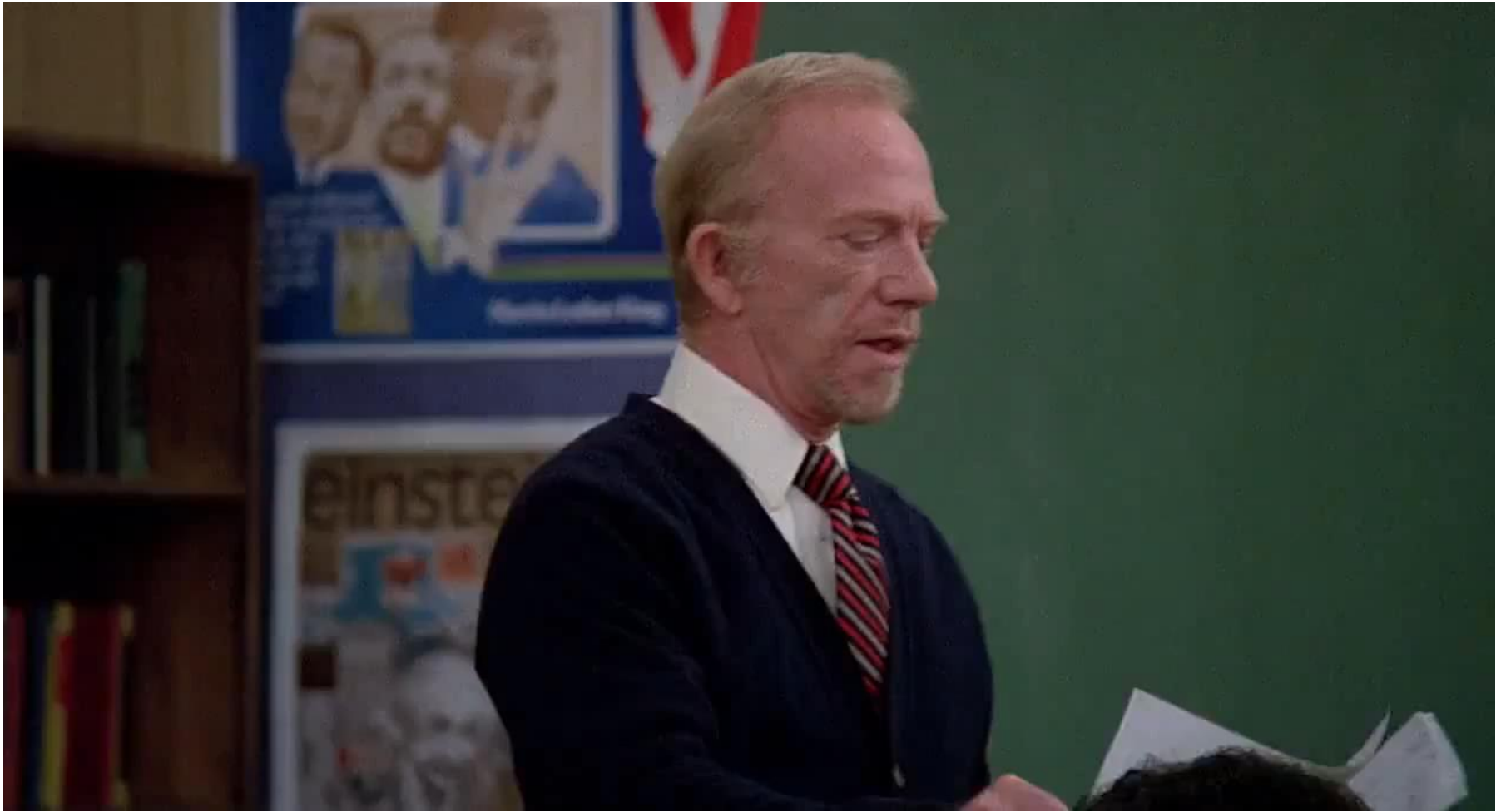
# A Shift from Truancy to Chronic Absenteeism



**September 4, 2018**

**9:00 am - noon**

**SCCOE 1290 Ridder Park Drive, San Jose, CA**





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## *Nuts and Bolts – A Shift from Truancy to Chronic Absenteeism*

# Why?

**ATTEND TODAY, ACHIEVE TOMORROW**

**GOOD SCHOOL ATTENDANCE MEANS...**



**ELEMENTARY STUDENTS**

read well by the end of third grade



**MIDDLE SCHOOLERS**

pass important courses



**HIGH SCHOOLERS**

stay on track for graduation



**COLLEGE STUDENTS**

earn their degrees



**WORKERS**

succeed in their jobs

Too many absences—excused or unexcused—can keep students from succeeding in school and in life. How many are too many? 10% of the school year—that's 18 missed days or 2 days a month—can knock students off track.



# Unpacking Attendance Terms

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## Average Daily Attendance

- The % of enrolled students who attend school each day. It is used for allocating funding.

## Truancy

- Typically refers only to unexcused absences and is defined by each state

## Chronic Absence

- Missing 10% or more of school for any reason – excused, unexcused, etc.

# Chronic Absence: A Hidden National Crisis

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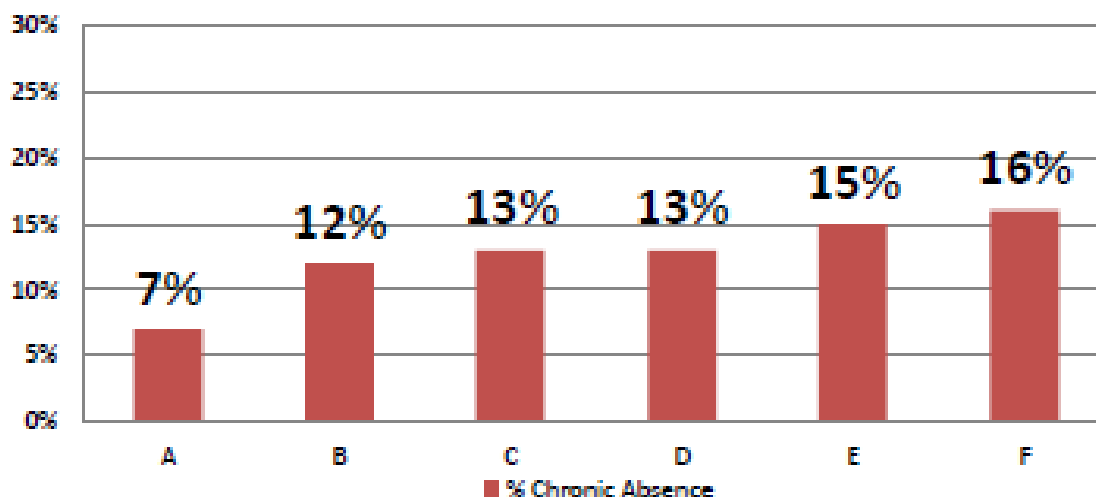
- Nationwide, as many as 10-15% of students (7.5 million) miss nearly a month of school every year.
- Poor attendance isn't just a problem in high school. It starts as early as kindergarten!



# Moving into Action Requires Knowing if Chronic Absence is a Problem

*Most Schools Only Track Average Daily Attendance and Truancy. Both Can Mask Chronic Absence.*

**Chronic Absence for 6 Elementary Schools in Oakland, CA with @ 95% ADA in 2012**

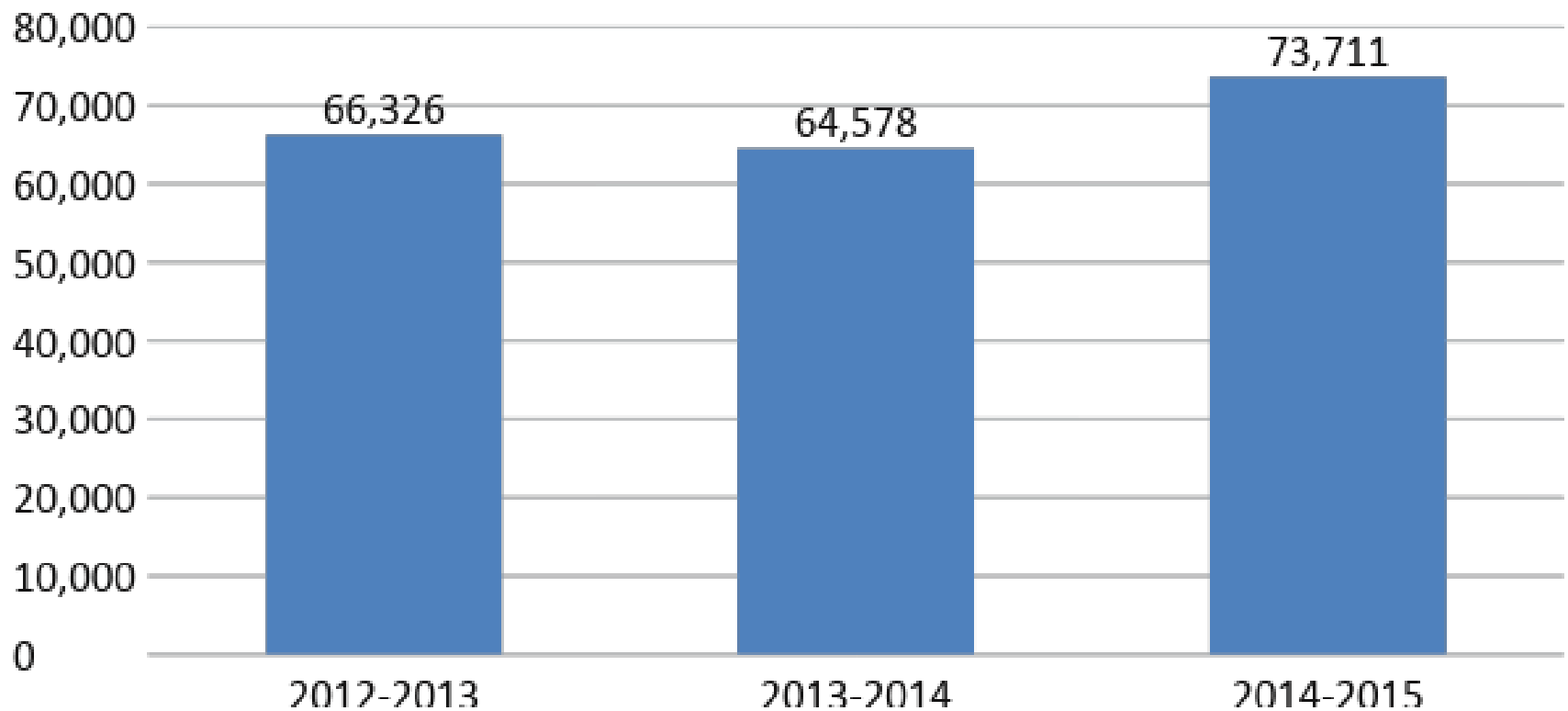


98% ADA = little chronic absence  
95% ADA = don't know  
93% ADA = significant chronic absence



# Santa Clara County Truant Student Data

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# Santa Clara County Drop Out Rates

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Year	Cohort Students	Cohort Dropouts	Cohort Dropout Rates
2015-2016	21,029	2,515	12%
2014-2015	20,563	2,290	11%
2013-2014	20,175	2,227	11%

# THE LAW

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# COMPULSORY EDUCATION LAW

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Each person between the ages of 6 and 18 years not exempted by the Education Code SHALL attend public full-time day school or continuation school. (CA Ed. Code 48200)

# Compulsory Attendance Laws Apply to Students in Special Education and 504 plan

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- AND.....

There is a requirement for districts to offer a “**Free Appropriate Public Education**” (FAPE),

# COUNTING TRUANCY EVENTS

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One-per-day rule:

For purposes of DA referral, count only 1 truancy per day maximum

Example of 3 skipped periods

# FIRST LEGAL REQUIREMENT

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3 unexcused absences or

3 unexcused tardies of 30 minutes or more

= first truancy letter to parents

# WHAT SHOULD THAT LETTER LOOK LIKE?

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8 requirements from Ed. Code  
48260.5

But is that all?



# WHAT SHOULD THAT LETTER LOOK LIKE?

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- Harvard research study found comparison reduced absence by 5-10%, regardless of the severity of absenteeism
  - “Absences matter and you can help.”
  - “Todd has missed more school than his classmates.”
  - “Todd has missed 6 days this year.”
  - “You can have a big effect on Todd’s absences and we appreciate your help.”



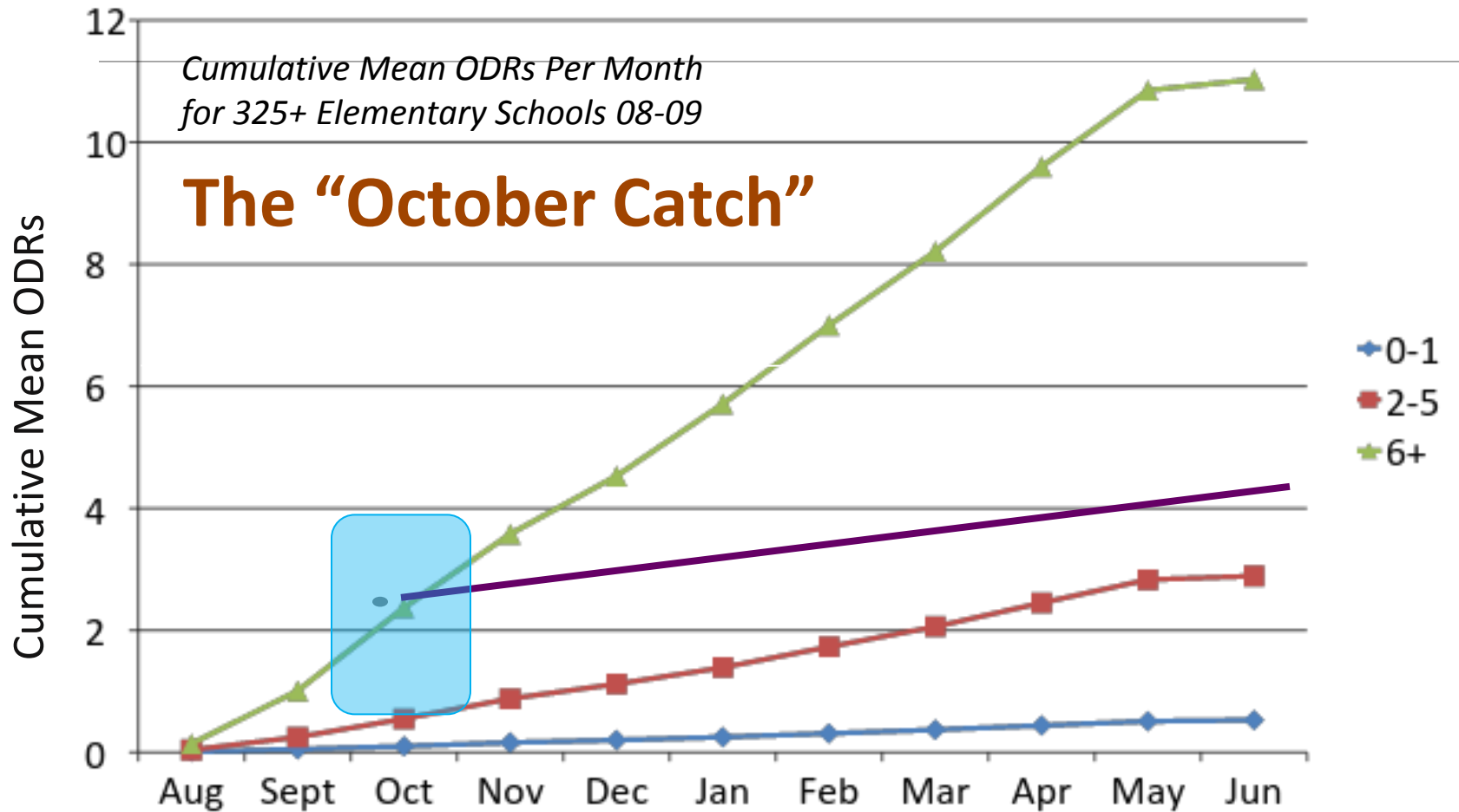
# WHEN SHOULD THAT LETTER GO OUT?

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The sooner the better!

The law says after 3 truancies and studies show us that as quickly after those 3 truancies is the best practice

# Research Study on Early Intervention



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# **SANTA CLARA COUNTY - RECOMMENDED SARB PROCESS AND LEVELS OF INTERVENTIONS**

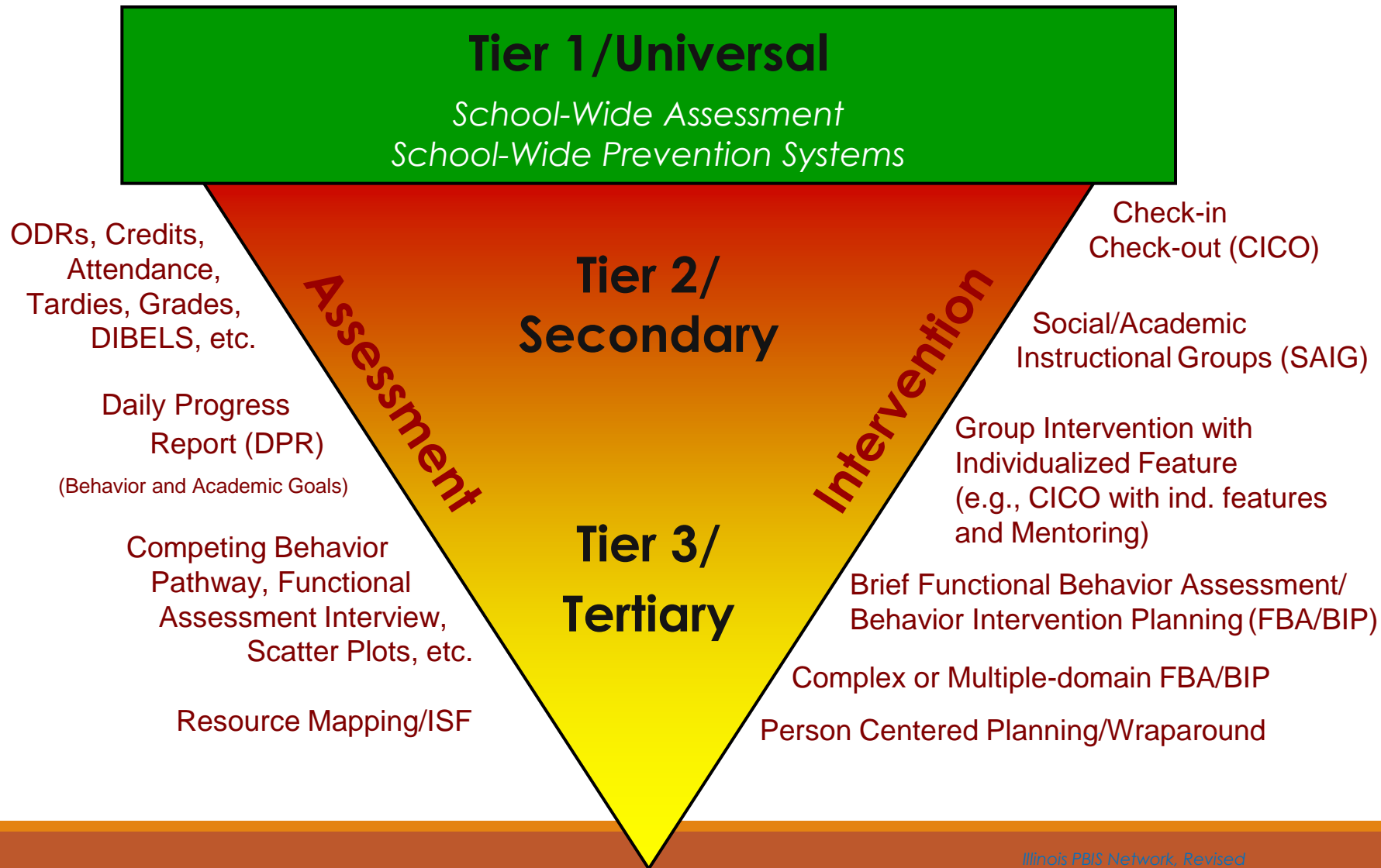
<http://www.sdcoe.net/student-services/student-support/Documents/2015-04-14-state-SARB-handbook.pdf>

# ACTION PLAN

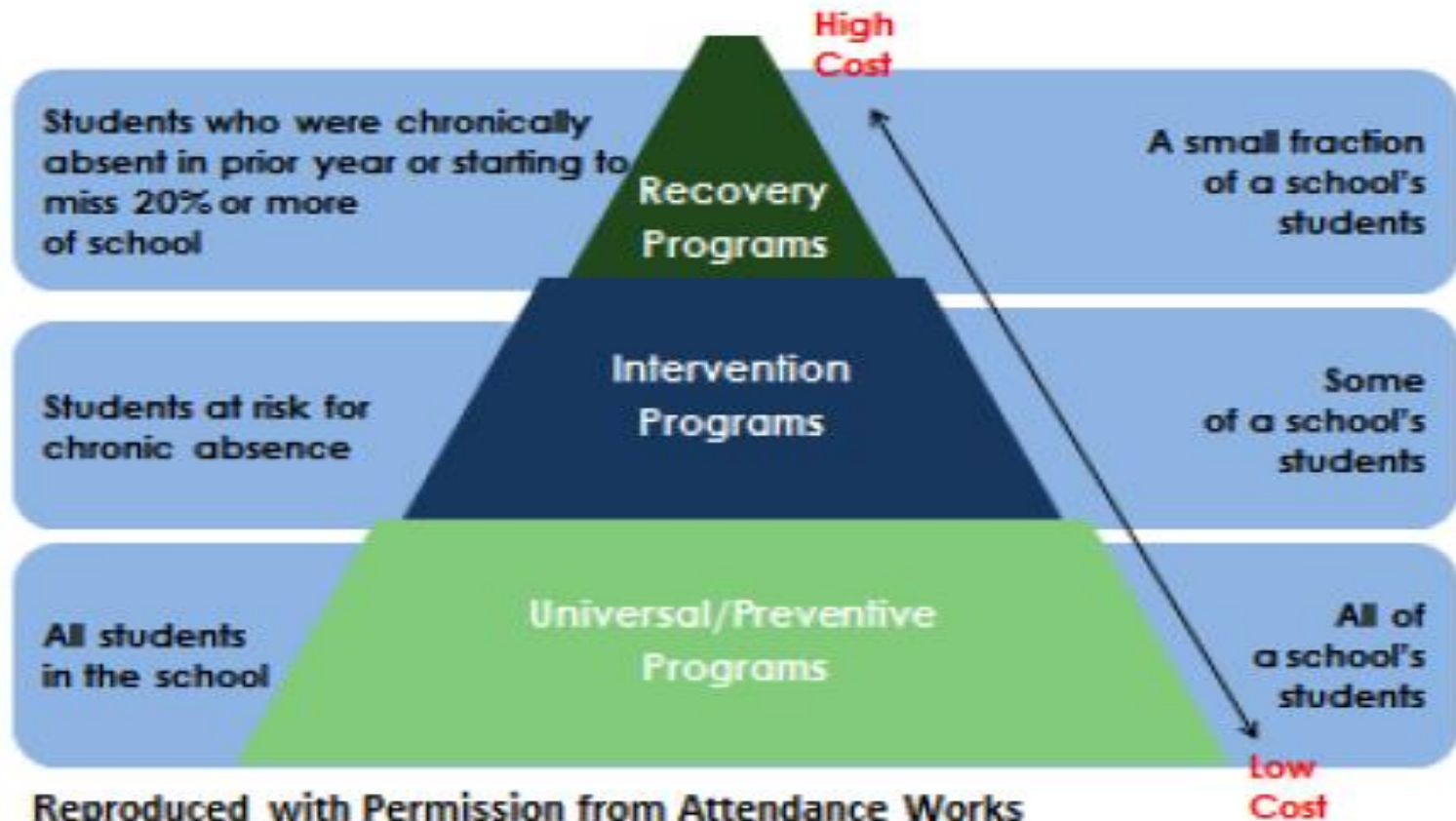
## School District/School Site Attendance Improvement Plan

Action/Activity	Next Steps	Who is Responsible?	When will it be completed?
Universal : Prevention Strategies			
Universal: What system or processes do you have in place?			
Universal: What attendance data do you collect in your district?			
Universal: Do you have a team in you district or school site that reviews data?			
Secondary: What secondary interventions do you have in place?			
Secondary: Do you have a SART in place at your school site(s)?			
Tertiary: What is you district's current SARB Process? What's working? What are your challenges?			
Tertiary: Do you have a process to refer students and parents for a DA Mediation? Have you used the County SARB Mediation?			

# A Multi-Tiered System of Support Model (MTSS)



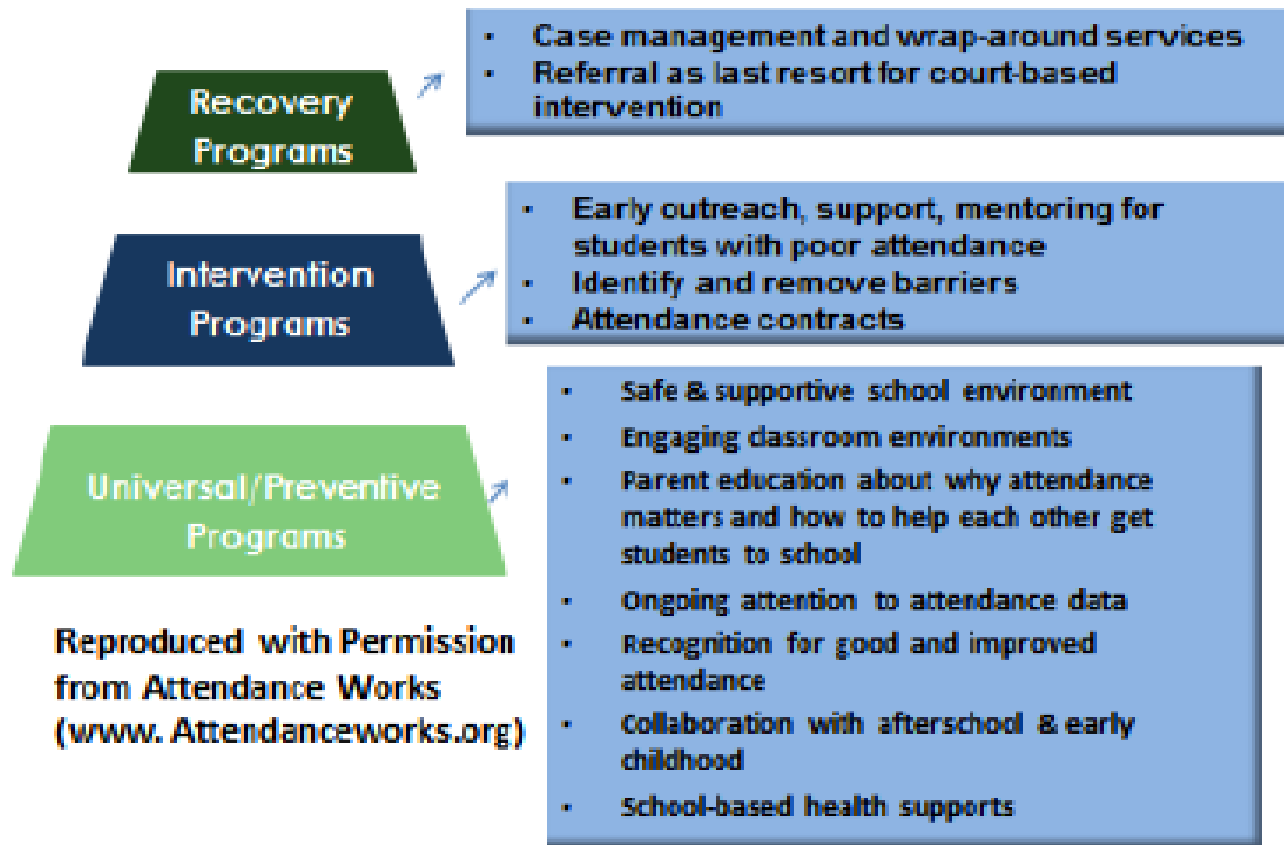
# Increased Attendance Involves a 3-Tiered Approach that Fits with Most Reform Efforts



Reproduced with Permission from Attendance Works  
([www.Attendanceworks.org](http://www.Attendanceworks.org))

(Adapted from Sprague and Walker 2004)

# Examples of Strategies for 3-Tiered Approach



# Santa Clara County SARB Process

**Tier 3  
Tertiary**

Truancy  
Court/Prosecution

County: SARB Mediation –  
SCCOE/District Attorney/SC  
Agencies/District/Parent-  
Student

**Tier 2  
Secondary**

District: Student Attendance Review  
Board Hearing (SARB) District  
Panel/Administrator/Parent-Student

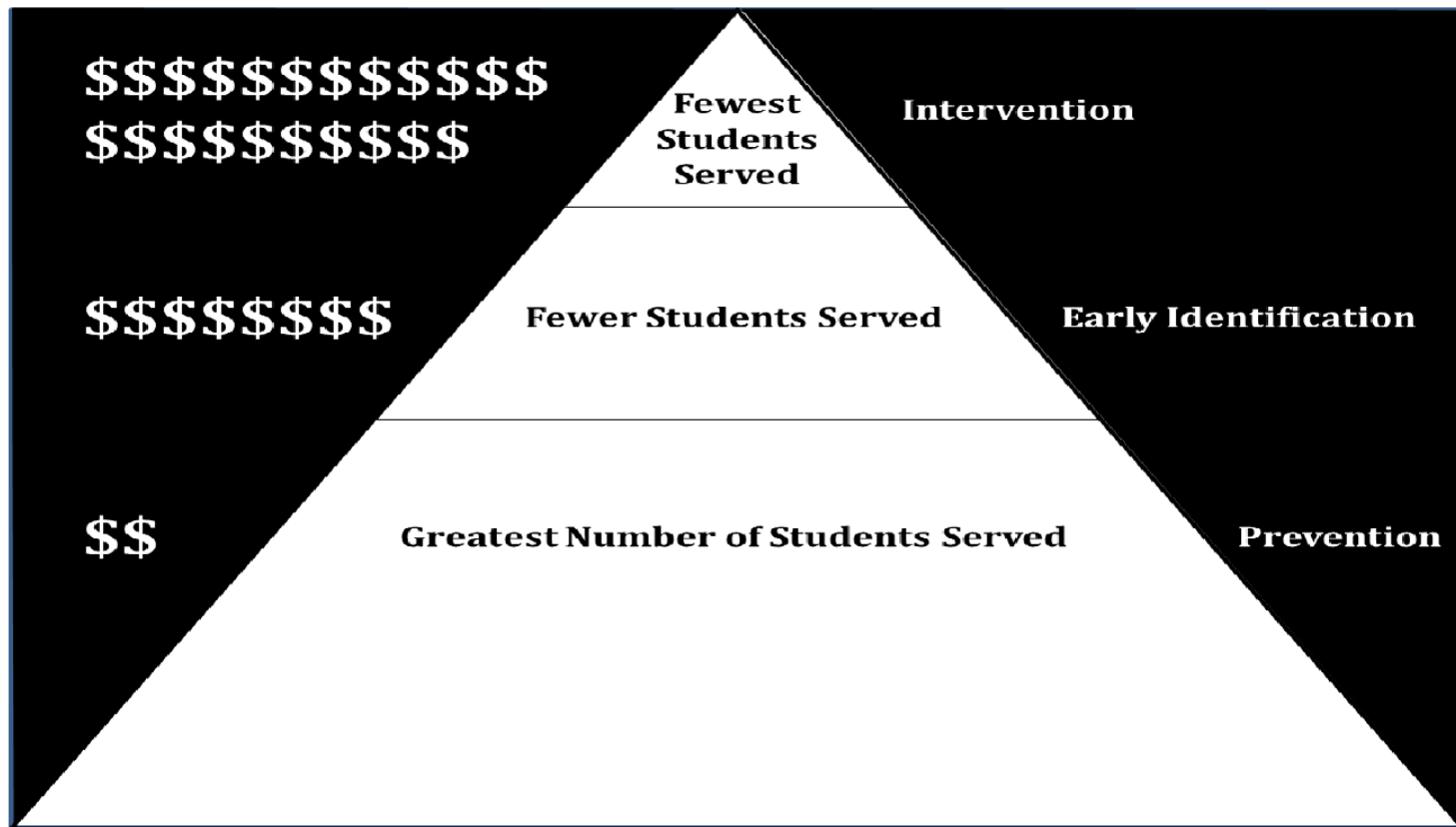
**Tier 1  
Universal**

School: Student Attendance Review Team (SART)  
Administrator/Teacher/Parent-Student

Teacher/Parent-Student



# Universal Strategies Prevention





# Attendance Board Policies (BP) and Administrative Regulations (AR)

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- Procedures for early identification of attendance problems and constructive intervention
  - Well before the first formal SARB meeting with a student and his or her family is considered.
- The policy must reflect the philosophy that regular school attendance is critical.
- Formal means of recognizing good attendance and holding schools accountable for attendance rates.

## **Sample Attendance Board Policy and Administrative Regulations Including Administrative Regulation for Excessive Excused Absences**

Section 5                      Students

### **ABSENCES AND EXCUSES BP 5113(a) Compulsory Attendance**

The Board of Trustees believes that regular attendance plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six (6) to eighteen (18) are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct problems of excessive absence or truancy (EC 48200). The Board recognizes that all excessive absences, whether excused or unexcused, place students at risk of not graduating and will, therefore, make a concerted effort to keep students in school.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board Policy and administrative regulations. (EC 46010, 48216, 48205)

Insofar as class participation is an integral part of pupils' learning experience, parents/guardians and pupils shall be encouraged to schedule medical appointments during non-school hours. Excessive absences, whether excused or unexcused, may affect a student's grades.

Pursuant to the Board of Education Policy 5113, corresponding Administrative Regulations 5113 will govern the operating procedures in regard to pupil absences and excuses.

Legal Reference:     *Education Code*  
                              46010-46015 Absences  
                              48200-48231 Compulsory Education Law



# Early Identification

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- **Positive School Culture for Parents and Students**
  - Welcoming environment
  - Legal requirements
  - Relationship with parents
- **Systems**
  - Processes
  - Access to resources
- **Data**
  - Identify children with behavior and/or attendance concerns.
- **Connect with Resources**
  - ie. School Link Services Coordinator, Social Worker, Counselor, Community Agencies

# Resource/Intervention Flow Chart



**Pasadena Unified School District  
Child Welfare, Attendance & Safety**

## ***PUSD Truancy Flow Chart***

A Truancy Prevention Program

Partnership between PUSD & the District Attorney's Office



- Beginning of School Year
- Initiate School-Wide Positive Attendance Behavior Support (PABS) plan

Truancy Letter 1

- Identify Students with 3 Truancies
- Send Truancy Letter 1
- Monitor Truant Students' Attendance

Truancy Letter 2

- Monitor Truant Students' Attendance
- Parent Meeting
- Identify Students with 4 Truancies & who are recipients of Truancy Letter 1
- Send Truancy Letter 2

SART Meeting

- Conduct Student/Parent or Guardian/Team Meetings
- Apply Tier 2 Interventions
- Refer to resources (Mental Health, Mentorships, etc.)
- Document Interventions/Referrals
- Sign Attendance Contract

Truancy Letter 3

- Identify Habitual Truant Students - Students with 5 Truancies & who have received Truancy Letters 1 & 2
- Follow-up with referrals
- Progress Monitor Tier 2 Interventions
- Send Truancy Letter 3

SARB Hearing

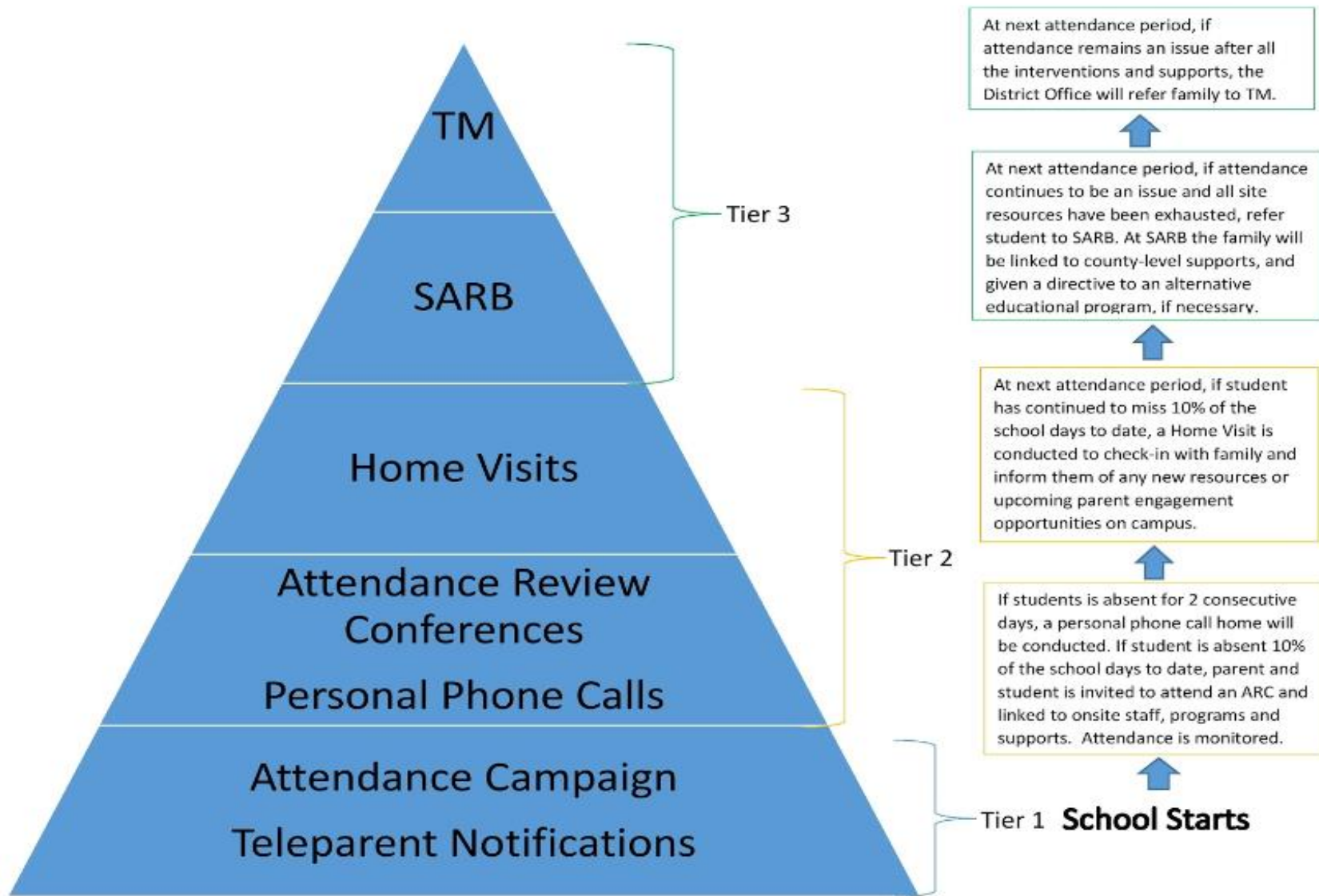
- Identify Chronic Truant Students (Truancy rate of 10% or more) & who have received truancy Letters 1, 2 & 3
- Documented interventions (SART)
- Complete & submit SARB Referral to CWAS Dept.

District Attorney  
Mediation  
Hearing / Filing  
of a Criminal  
Case

- Monitor Truant Students' Attendance
- Apply Tier 3 Interventions (CBT)
- Apply further resources/interventions recommended by SARB Committee
- No Improvement in Student Attendance - Complete & submit DA Mediation referral & submit to CWAS Dept.

*"Discover What's Right About Pasadena Schools - Community for Better Schools - Schools for Better Community"*

• 351 South Hudson Avenue, Room 206 • Pasadena California 91109 • (626) 396-3600, x 88230 • (626) 793-9858 fax • [www.pusd.us](http://www.pusd.us)



## Enforcement

- File case with the District Attorney's Office
- DA's office will move forward with the case or they will write a letter to the school district explaining why the case will not be filed

## Intervention Level 3:

SARR (School Administrator, SRO, District Attendance Administrator, School Liaison, School Administrator, School Linked Services Coordinator, Student, Parent,

- Monitor student attendance
- Make regular contact with the family
- Provide parent with (Santa Clara County) resources
- Offer the Community Service Project (CSP) for community service hours
- Make referral for student/family support

## Intervention Level 2:

(Mediation Meeting) (District Attorney, Attendance Administrator, School Admin./, Attendance Liaison, School Linked Services Coordinator, Parents and/or Students) Group Meeting/Individual Meeting if needed

- Outline attendance expectations
- Inform students and parents of the law pertaining to compulsory education and consequences associated with truancy
- Provide student and parent with resources and referrals for programs that address barriers to good attendance
- Monitor student attendance

## Intervention Level 1:

SART Meeting (School Admin. and/or District Attendance Admin., Attendance Liaison, School Linked Services Coordinator, Parents, Students) Group Meeting/ Individual Meeting for No-Shows

- Outline attendance expectations
- Inform students and parents of the law pertaining to compulsory education and consequences associated with truancy
- Provide student and parent with resources and referrals for programs that address barriers to good attendance
- Monitor student attendance

## Prevention:

School-wide efforts to support all students:

- Inform students and parents of attendance policies
- Teachers record absences with care
- Monitor student attendance
- Ensure the classroom and school climate is safe and supportive for all students
- Create engaging classroom environments
- Share key messages with students and families and students during assemblies, in class, in the handbook, on Schoolloop
- Recognize good and improved attendance
- Provide school based health supports using a universal referral form
- Identify reasons why a student is not coming to school and address them
- Home visit
- Phone calls



**Student  
Attendance  
Review Team  
(SART)**

- School Site Level
- 4-7 Days Unexcused Absence
- 2nd Notification of Truancy
- Meeting with Parent or Guardian/Student/Team Meeting
- Refer to resources
- Document Interventions/Referrals
- Attendance Contract

**Student  
Attendance  
Review Board  
(SARB)**

- School District Level
- Habitual Truant Students with a truancy rate of 10% or more and received letters 1, 2, & 3
- Documented Interventions (SART completed)
- Refer to additional resources
- No improvement in Student Attendance - complete and submit referral to County SARB Mediation/DA Mediation

**County SARB  
Mediation/DA  
Mediation**

- County Level
- DA Mediation
- County Agency presentations
- Referral to County Resources (Mental Health, Substance Use Prevention and Treatment, Parent Project, Social Services, etc)
- County SARB Mediation Contract signed by Parent, Student (grades 6-12) District, COE, and DA

# SECOND LEGAL REQUIREMENT

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After first truancy letter...

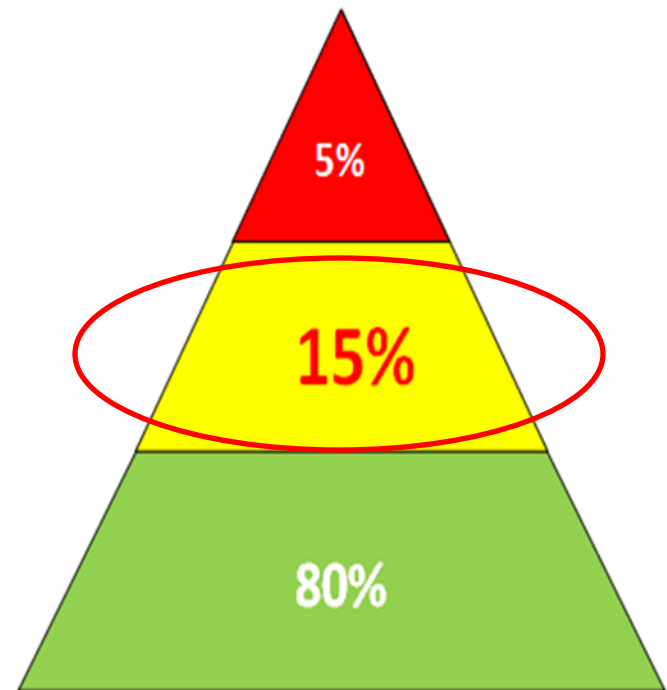
1 more unexcused absence or

1 more unexcused tardy of 30 minutes or  
more

(best practice) = second truancy letter to  
parents

# Tier I and II = Administrator Facilitated Student Success Team (SST)

- **Includes an initial and follow-up meeting**
- Team-based approach
- Teachers and staff are expected to bring data and examples of students work.
- Always **documented** and **filed** in Student's Cumulative Record.
- Always **uploaded to Infinite Campus**



# What is School Attendance Review Team (SART)?

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SART is a School Site Team which includes the parent and the student, Principal and relevant personnel who works with the student. The **goal of this team is to identify possible solutions to improving the students' attendance and/or behavior.**

## Student Agreements:

- Attend school regularly and on time each day.
- Abide by school rules and regulations.
- Obey the directions of my teachers and administrators.
- Complete my class assignments.
- Develop a positive attitude about school.
- Other



# What is an Attendance Review Conference?

ARCs occur at the school site and provide parents and students with an opportunity to build and strengthen relationships directly with key staff as well as discuss their individual needs.

Who Should Attend: APA/Advisor, Social Worker, Parent and Community Involvement Specialist, Academic Counselor, Student Support Specialist

Items to be reviewed:

- How to Report/Clear Absences
- School Specific Staff and Resources
- School Schedule and District Calendar
- Site opportunities to Make-up Absences
- How to Read Attendance Printouts and Transcripts
- District Attendance Process



# Special Considerations

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- **Homeless Youth - McKinney-Vento Homeless Education Improvement Act**
  - right to attend their school of origin or the school in the area in which they are temporarily residing
  - immediate enrollment, even if not all necessary documents are received
  - Include Homeless Liaison in SARB process
- **Foster Youth – Assembly Bill (AB) 490, Education Rights and Stability for Foster Youth Act of 2004**
  - may attend their school of origin at the time of placement change
  - immediate enrollment, even if not all necessary documents are received
  - Include Foster Youth Liaison in SARB process

# Special Considerations cont...

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- **Students with an IEP (Individuals with Disabilities Act) or 504 (Rehabilitation Act of 1973)**
    - Child may not attend school for a reason related to a known disability or unidentified disability.
    - Identifying causes will help determine whether the solution may be found through a SARB hearing, or through the IEP or 504 Accommodation Plan process.
    - May indicate the need for a special education evaluation, a reevaluation, or changes to a 504 Plan or IEP
    - Filing truancy proceedings under specific circumstances related to areas listed above may be in violation of special education laws
- \*Always communicate with the IEP or 504 case manager*

# THIRD LEGAL REQUIREMENT

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(After second truancy letter...)

1 more unexcused absence or

1 more unexcused tardy of 30  
minutes or more

= (best practices) third truancy letter

= summons to SARB

Ed. Code 48262



# Santa Clara County SARB Process

**Tier 3  
Tertiary**

Truancy  
Court/Prosecution

County: SARB Mediation –  
SCCOE/District Attorney/SC  
Agencies/District/Parent-  
Student

**Tier 2  
Secondary**

District: Student Attendance Review  
Board Hearing (SARB) District  
Panel/Administrator/Parent-Student

**Tier 1  
Universal**

School: Student Attendance Review Team (SART)  
Administrator/Teacher/Parent-Student

Teacher/Parent-Student



# Establishing a SARB

## California SARB Handbook

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- School district's governing board may establish a SARB that operates in the same manner as a county SARB and holds the same authority as a County SARB (EC Section 48321[e])
- **Nomination or Appointment of SARB Representatives**
- **Establish Policies and Procedures**
- **SARB Agreement and Directives**
- **Referral to Alternative Education Placement**
- **Open Meetings and Confidentiality: The Brown Act**

# SARB

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Demonstrate fairness re notice of SARB

- Repeated efforts

- Certified mail

- Ask for updated addresses and DOB's

Must give notification of SARB contract and directives

- Can call, email, mail, home visit, etc.

# District Attorney's Office

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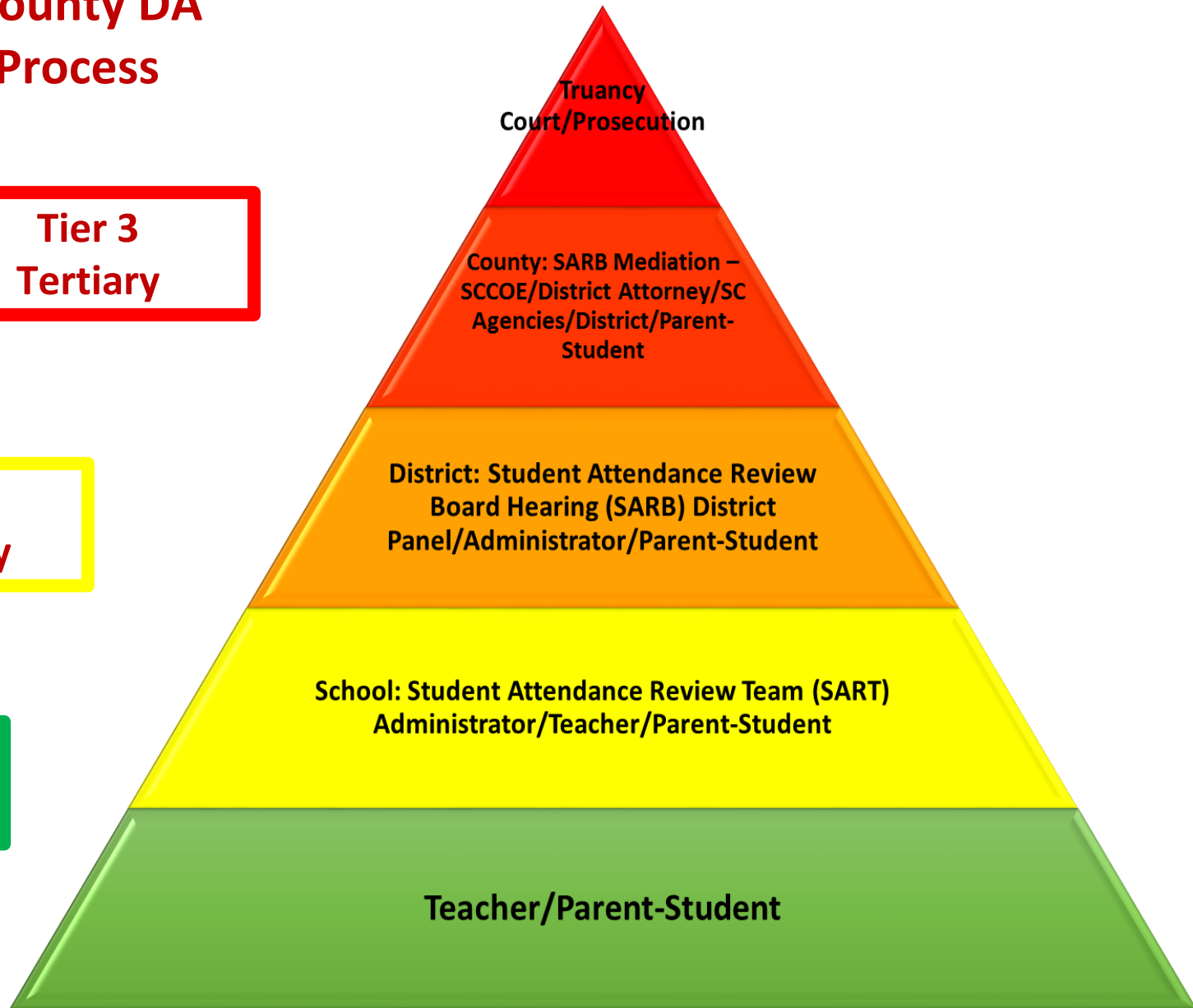


# Santa Clara County DA Mediation Process

**Tier 3  
Tertiary**

**Tier 2  
Secondary**

**Tier 1  
Universal**



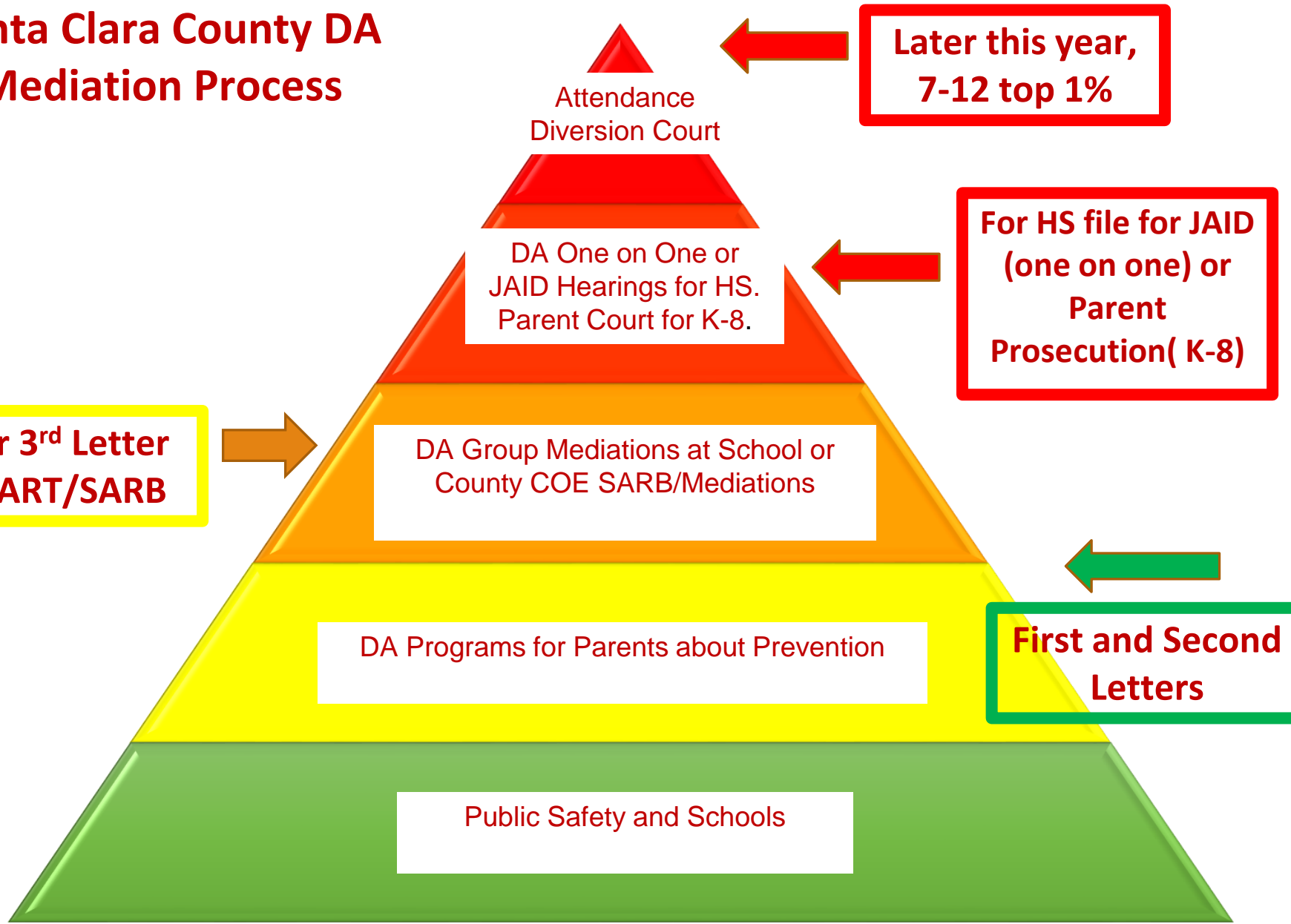
# Santa Clara County DA Mediation Process

**Tier 3  
Tertiary**

**Truancy  
Court/Prosecution**

**County: SARB Mediation –  
SCCOE/District Attorney/SC  
Agencies/District/Parent-  
Student**




# Santa Clara County DA Mediation Process







# Requirements for DA Referral

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## HIGH SCHOOL CASES

-  All three letters sent
-  SART and SARB Attempted
-  Then send information to DA for Mediation/JAID Hearings

## K-8 PARENT CASES

-  All three letters sent
-  SART and SARB Attempted (Some DA Mediations)
-  Then send information to DA for Consideration
-  Then Follow Up at Truancy Court



# What is a DA Mediation?

- ❖ District Notifies Families
- ❖ District brings resources present
  - ❖ District has Projector and Laptop ready
  - ❖ School counselors, non-profits, Grizzly Academy, Bill Wilson Center, others
  - ❖ At Least 10 Families, Child and Parent
- ❖ Best Practice: *Triage each case*
  - ❖ Health? Mental health? Drugs/Alcohol
  - ❖ Bullying? LGTBQ? Homeless/runaway? Human Trafficking? Learning issue?

# Role of County SARB/Mediations

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## **SCCOE Student Attendance Review Board (SARB) Mediations**

**Dates: 1/17/18, 2/14/18, 3/14/18, 4/11/18, 5/16/18**

Times: Kinder - 12th grades: 1:30pm-4:30pm

Location: SCCOE (Morgan Hill Room)

Audience:

Parents (k-5) and Parents and Students (6-12)

District Representatives




Interpretation: Only Spanish. If other language interpretation is needed, districts will need to provide.

Please see handouts for details.





# How to Make a Referral

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## HIGH SCHOOL CASES

-  All three letters sent
-  SART and SARB Attempted
-  Then send information to DA for Mediation/JAID Hearings

## K-8 PARENT CASES

-  All three letters sent
-  SART and SARB Attempted (Some DA Mediations)
-  Then send information to DA for Consideration
-  Then Follow Up at Truancy Court

# How a Case is Processed

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District submits case to DDA

DDA reviews the case to see if the legal elements are present:

- There was 1<sup>st</sup> truancy event (Ts 1, 2, 3, tardy>30 min./unex. absence)
- There was a truancy letter sent
- There was 2<sup>nd</sup> truancy event (1 more tardy > 30 min./unex. absence)
- There was 3<sup>rd</sup> truancy event (1 more tardy > 30 min./unex. absence)
- School/district made “conscientious effort” to help family with truancy
  - SARB **OR** DA Mediation;
  - services were offered to family in primary language

All of this must be proved “beyond a reasonable doubt” to jury (misd.) or court (inf.)

# Submitting a Case

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DDA reviews the evidence submitted:

- Attendance record(s) for period alleged
- Key of attendance code submitted with case
- Proof that parent(s) attended the SARB or DA Mediation (signed)
  - OR that they participated in a “make up” where they were advised of truancy consequences
- Summary that contains information on the student’s progress, attitude, truancy-related concerns and all of the school’s efforts
- Dates of birth of parent(s) to legally identify them in criminal system
- Submit to Consuelo Herrera, [cherrera@dao.sccgov.org](mailto:cherrera@dao.sccgov.org) or 792-2902.

# There is no More Truancy Court for Minors: Truancy Amnesty

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**FILED**  
JAN 30 2017  
Clerk of the Court  
Superior Court of California Santa Clara  
BY LISA MURGENT DEPUTY

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
JUVENILE DIVISION**

**TRUANCY AMNESTY PROJECT**

The Truancy related Fines, Penalty Assessments, Drivers License Suspensions and Failure to Appear charges pursuant to Education Code Section 486262 and Vehicle Code Section 40508A which were imposed by the Informal Juvenile Traffic Hearing Officer of the Santa Clara County Superior Court before January 3, 2017 are hereby set aside in the Interest of Justice at the request of the Santa Clara County District Attorney Jeff Rosen with no objection from Public Defender Molly O'Neal or from Chief Probation Officer Laura Garnette.

So Ordered:

  
Supervising Judge Katherine Lucero  
1/27/17  
Date

1

# What are JAID Hearings

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Juvenile Attendance Improvement Diversion Hearings or (JAID) Hearings are:

One on One hearings for the works offending High School Students who are not System involved. We will screen these cases after they are submitted with a summary.

# In Parent Truancy Court

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**Arraignment:** advised of charges

**Plea:** Three Choices

- 1. no contest or guilty → pay large fine (\$300)
- 2. trial (judge if infraction; jury if misdemeanor)
- 3. continue case to have parent do Parent Project and improve attendance

**Review:** To see how attendance and PP is going

We need attendance updates before court

- Two Fridays of month, 9:00a.m.



Parent Project is 12 week course addressing high-risk behavior and strong-willed youth.



<http://www.santaclaracountynewsbeat.com/2017/02/06/parent-project-helps-parents-get-kids-back-on-track/>

Since 2008, served 5,000 parents in English, Spanish, and Vietnamese

# SANTA CLARA COUNTY DISTRICT ATTORNEY'S OFFICE



Christopher Arriola, Supervising DDA

[carriola@dao.sccgov.org](mailto:carriola@dao.sccgov.org)